

UNITED STATES DISTRICT COURT
FOR THE
DISTRICT OF VERMONT

PAUL MURPHY,
Plaintiff

v.

STATE OF VERMONT
and VERMONT DEPARTMENT
OF CORRECTIONS,
Defendants

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File No. 1:06-CV-18

ORDER

The Magistrate Judge's Report and Recommendation was filed October 19, 2006. (Paper 11.) After de novo review and absent timely objection, the Report and Recommendation is AFFIRMED, APPROVED and ADOPTED. See 28 U.S.C. § 636(b)(1). Defendants' motion to dismiss (Paper 8) is GRANTED. Plaintiff's motion that this case be settled in his favor (Paper 10) is DENIED. Further, the Court finds as moot plaintiff's motion for summary judgment. (Paper 12.) This case is hereby DISMISSED.

It is further certified that any appeal taken in forma pauperis from this Order would not be taken in good faith because such an appeal would be frivolous. See 28 U.S.C. § 1915(a)(3).

SO ORDERED.

Dated at Brattleboro, in the District of Vermont, this 5th day of December, 2006.

/s/ J. Garvan Murtha
J. Garvan Murtha
United States District Judge